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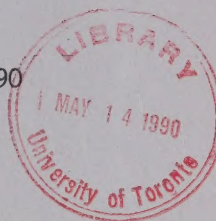
ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: 197

DATE: Wednesday, May 2nd, 1990

BEFORE: A. KOVEN, Chairman

E. MARTEL, Member



FOR HEARING UPDATES CALL (TOLL-FREE): 1-800-387-8810

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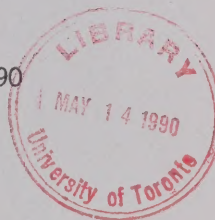
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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER OF a Notice by the
Honourable Jim Bradley, Minister of the
Environment, requiring the Environmental
Assessment Board to hold a hearing with
respect to a Class Environmental
Assessment (No. NR-AA-30) of an
undertaking by the Ministry of Natural
Resources for the activity of timber
management on Crown Lands in Ontario.


Hearing held at the Ramada Prince Arthur
Hotel, 17 N. Cumberland Street, Thunder Bay,
Ontario on Wednesday, May 2nd, 1990,
commencing at 5:00 p.m.

VOLUME 197

BEFORE:

MRS. ANNE KOVEN
MR. ELIE MARTEL

Chairman
Member



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A P P E A R A N C E S

MR. V. FREIDIN, Q.C.)	
MS. C. BLASTORAH)	MINISTRY OF NATURAL
MS. K. MURPHY)	RESOURCES
MS. Y. HERSCHER)	
MR. B. CAMPBELL)	
MS. J. SEABORN)	MINISTRY OF ENVIRONMENT
MS. B. HARVIE)	
MR. R. TUER, Q.C.)	ONTARIO FOREST INDUSTRIES
MR. R. COSMAN)	ASSOCIATION and ONTARIO
MS. E. CRONK)	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY)	ASSOCIATION
MR. H. TURKSTRA	ENVIRONMENTAL ASSESSMENT BOARD
MR. E. HANNA)	ONTARIO FEDERATION OF
DR. T. QUINNEY)	ANGLERS & HUNTERS
MR. D. HUNTER)	NISHNAWBE-ASKI NATION
MS. N. KLEER)	and WINDIGO TRIBAL COUNCIL
MR. J.F. CASTRILLI)	
MS. M. SWENARCHUK)	FORESTS FOR TOMORROW
MR. R. LINDGREN)	
MR. P. SANFORD)	KIMBERLY-CLARK OF CANADA
MS. L. NICHOLLS)	LIMITED and SPRUCE FALLS
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MR. R. COTTON	BOISE CASCADE OF CANADA LTD.
MR. Y. GERVAIS)	ONTARIO TRAPPERS
MR. R. BARNES)	ASSOCIATION
MR. R. EDWARDS)	NORTHERN ONTARIO TOURIST
MR. B. McKERCHER)	OUTFITTERS ASSOCIATION

APPEARANCES: (Cont'd)

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MR. J.W. ERICKSON, Q.C.)	RED LAKE-EAR FALLS JOINT
MR. B. BABCOCK)	MUNICIPAL COMMITTEE
MR. D. SCOTT)	NORTHWESTERN ONTARIO
MR. J.S. TAYLOR)	ASSOCIATED CHAMBERS
	OF COMMERCE
MR. J.W. HARBELL)	GREAT LAKES FOREST
MR. S.M. MAKUCH)	
MR. J. EBBS	ONTARIO PROFESSIONAL
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MR. P.D. McCUTCHEON	GEORGE NIXON
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SUBMISSIONS

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1 ---Upon commencing at 5:00 p.m.

2 MADAM CHAIR: Please be seated.

3 Hello, Mr. Colborne.

4 MR. COLBORNE: Hello, Madam Chairman.

5 MADAM CHAIR: We are meeting this evening
6 because we had arranged some time ago that a report
7 would be made to the Board about the negotiations on
8 draft terms and conditions and, as it turned out, I
9 understand from Ms. Murphy's memo of May 1st, that
10 other arrangements are being proposed and agreed to and
11 whatever and so we were going to -- Mr. Martel and I
12 have not not discussed fully your letter yet, but it
13 occurred to us that if we had the discussion in Toronto
14 next week you wouldn't be able to attend because you
15 are in Thunder Bay, so tonight is a special session for
16 us to hear from Mr. Colborne on what is taking place
17 from his point of view with the negotiations on terms
18 and conditions.

19 MR. COLBORNE: Thank you for
20 accommodating me in that way, Madam Chairman.

21 I want to preface my very brief remarks
22 by saying that I recognize that there is an informal
23 agreement among the parties, that I do not intend for a
24 moment to contravene, and that is what actually takes
25 place within the negotiating process is private among

1 the parties. That's what negotiations are.

2 However, my reason for not concurring
3 with the proposal that has been brought forward by the
4 proponent in respect of some modifications to the terms
5 and conditions negotiating process schedule is that, in
6 effect, my client is being excluded from the
7 negotiations and I will tell you in a moment why I say
8 that, and I will be saying to you that I think that it
9 is being done in a way that contravenes a previous
10 direction of this Board.

11 If after hearing from me you think I'm
12 right, my request is that you either repeat your
13 direction, which I think is quite clear, or that you
14 make perhaps a more specific direction that hopefully
15 would solve the problem.

16 Now, here is why I am here. Under your
17 direction of - I believe it is - November 8th, 1989,
18 yes, the parties were to negotiate for two weeks, the
19 two weeks were fixed -- just one moment.

20 The purpose was to examine and negotiate
21 with respect to the draft terms and conditions
22 circulated among the parties and I obtained authority
23 and submitted mine duly as required. I attended at the
24 first week of negotiations primarily to set a time when
25 the topics of particular importance to my client would

1 be dealt with simply as a matter of efficiency so that
2 I wouldn't be attending when matters that were not of
3 direct importance to them were being discussed and, in
4 fact, a date was agreed.

5 However, literally when I was about to
6 leave Thunder Bay on the way to the airport I received
7 a phone call from a representative of the proponent to
8 advise that there was no authority to negotiate with
9 respect to the topics that were contained in my draft
10 terms and conditions.

11 I travelled to Toronto nonetheless,
12 partly because there was someone else travelling by a
13 different route who was already on route and, in fact,
14 we did attend and we were told once again: We, the
15 Ministry of Natural Resources, are not prepared to
16 negotiate with respect to the topics contained in your
17 draft terms and conditions.

18 Now, this is why I say that I don't think
19 I am offending an informal agreement to not discuss the
20 negotiations because everything I am saying has to do
21 with a declining by the proponent to negotiate.

22 Now, I have referred the proponent to the
23 exact words of this Board's direction dated November 8,
24 1989. It is a short passage which I will read for the
25 record. This is at page 2 of the direction:

-

1 "The Board hereby directs that a period
2 of two weeks be set aside for the
3 purpose of allowing the parties an
4 opportunity to conduct intensive
5 negotiations directed towards reaching
6 agreement on the issues raised concerning
7 the undertakings before the Board. It is
8 during this period of negotiation that
9 all of the full-time parties will be
10 expected to examine each of the specific
11 terms and conditions put forward by each
12 party and to negotiate in good faith with
13 the express goal of reaching a
14 commonality of position or agreement on
15 as many issues as possible, while at
16 the same time identifying all outstanding
17 issues in dispute."

18 My submission is that the position taken
19 by the proponent that it cannot or will not negotiate
20 with respect to the matters contained in the draft
21 terms and conditions which I submitted on behalf of my
22 client flies in the face of that direction and I would
23 like a direction.

24 I am sure you will want to hear from the
25 proponent, but what I am asking for is a direction

1 which might merely come from this panel by way of an
2 oral comment or it may be seen by yourselves as
3 something sufficiently serious that I ought to file a
4 Notice of Motion and I am prepared to do that if
5 necessary.

6 I do, however, wish to have the same
7 opportunity that the other parties have had and that is
8 good faith negotiations with the other parties before
9 this hearing process.

10 Those are my submissions.

11 MADAM CHAIR: Thank you, Mr. Colborne.
12 And as it stands you have had no discussion whatsoever
13 with respect to the terms and conditions in the
14 document you submitted for the negotiations, your
15 drafts terms and conditions?

16 MR. COLBORNE: That is correct.

17 MADAM CHAIR: And have you commented on
18 the Ministry's draft terms and conditions?

19 MR. COLBORNE: No.

20 MR. MARTEL: Your proposal was they amend
21 the terms and conditions, I think there were three or
22 four of them--

23 MR. COLBORNE: Yes.

24 MR. MARTEL: --that were quite wide. I
25 am trying to put -- and there have been absolutely no

1 negotiation on those?

2 MR. COLBORNE: That's correct. I think
3 the position of the proponent is that they fall within
4 an area which the proponent simply does not want to
5 negotiate in, and my position is that I don't think you
6 get to define the areas that you can negotiate in, at
7 the very least you have to have negotiations.

8 If they result in nothing, well, that's
9 fine, there is going to be more than one area that does
10 not result in agreement.

11 MR. MARTEL: You are really looking for
12 an opportunity to sit down with MNR and even if they
13 reject after a discussion, at least it's a discussion
14 which you don't have now? Part of the negotiation, I
15 mean the wording is...

16 MR. COLBORNE: Yes, but I think it must
17 be within the context of this hearing. I mean, my
18 clients can phone up MNR and have a talk with them any
19 time.

20 I think that possibly the proponent
21 thinks that an offer for separate talks might satisfy
22 the requirement on them, and maybe I am anticipating
23 something they may say, but my answer to that is simply
24 no. I mean, the government is there to talk to
25 citizens. Simply because they say we will talk to you

1 but we will talk to you outside of this class
2 environmental assessment process is not an answer.

3 MR. MARTEL: Okay.

4 MADAM CHAIR: Ms. Murphy?

5 MS. MURPHY: Madam Chair, I am going to
6 have to ask for your indulgence. I wasn't aware of
7 specifically what Mr. Colborne wanted to raise.

8 He began by making some comments of a
9 factual nature that I'm certainly -- you know, it just
10 happens that I'm unaware of the facts and my client, as
11 it turns out, had some car trouble and he has just
12 arrived. I am going to need a couple of minutes to
13 talk to him and to sort out the situation before I can
14 make any submissions.

15 MADAM CHAIR: Shall we take a ten-minute
16 break?

17 MS. MURPHY: That would be very helpful.

18 MADAM CHAIR: Is that suitable, Mr.
19 Colborne?

20 MR. COLBORNE: Yes, thank you.

21 MADAM CHAIR: Thank you.

22 ---Recess taken at 5:10 p.m.

23 ---On resuming at 5:25 p.m.

24 MADAM CHAIR: Please be seated.

25 MR. FREIDIN: Mr. Freidin?

1 MADAM CHAIR: Yes, Madam Chair. It has
2 sort of fallen to me to deal with this matter and I
3 intend to do so fairly briefly because I was involved
4 in the -- well, I was involved in some of the
5 discussions which have been referred to.

6 Let me just preface my remarks to say
7 that it may very well be that there is some
8 misunderstanding as to what the position of Treaty No.
9 3 is and the response that the Ministry of Natural
10 Resources made.

11 My client has advised me that they are
12 quite willing to sit down with Mr. Colborne, discuss
13 the concerns of his client as set out in their draft
14 terms and conditions and we will deal with those in the
15 same fashion that we are dealing with all of the other
16 suggested draft terms and conditions.

17 I would indicate, however -- I think
18 that's a matter of dealing with the matter to the
19 satisfaction of everybody.

20 I would indicate that I would urge the
21 Board not to accede to the request by Mr. Colborne that
22 the Board order the proponent to negotiate. It is my
23 respectful submission, Madam Chair, that the Board does
24 not have the jurisdiction to order such a negotiation.

25 I would indicate that this is not a

1 situation where there is somehow a legal obligation to
2 enter into mandatory arbitration or something of that
3 nature. We are not into that type of a forum and for
4 that reason I think it would be inappropriate for you
5 to make the order requested.

6 But to repeat, we are willing to sit down
7 with Mr. Colborne to discuss his client's concerns as
8 set out in the draft terms and conditions and to deal
9 with them in the same fashion as we are going to deal
10 with all of the other draft terms and conditions.

11 Those are my submissions.

12 MADAM CHAIR: Mr. Colborne?

13 MR. COLBORNE: Very briefly. I very
14 carefully did not ask for an order. I am not sure if I
15 agree with Mr. Freidin that you couldn't make such an
16 order, but I did not ask for an order, I asked for a
17 direction and, for what it's worth, I had in mind
18 Section 23 of the Statutory Powers Procedure Act.

19 The second point I would like to make by
20 way of reply is there may indeed be some
21 misunderstanding - and Mr. Freidin and I were both
22 there - but I heard or I thought I heard them say that
23 they would not do what they have just now said they
24 would do and if that's the case, then I have nothing
25 further to say provided it's clear that the talks that

1 Mr. Freidin has in mind and the ones that I think all
2 parties are obligated to participate in are not private
3 talks over here on the side, they are talks within the
4 context of this hearing where I think other parties
5 have a right to be heard.

6 It strikes me that the matters that my
7 client is especially interested in are matters that
8 would have a direct impact and concern other parties
9 before the hearing, and my understanding of the Board's
10 notion of how these negotiations would take place is
11 that they would not be bilateral but they would be
12 multi-lateral, people would sit around a table and that
13 all persons or all parties who could be effected by an
14 issue would have a chance to have their say because
15 otherwise how could one come back before the Board with
16 an agreement:

17 Now, I hate to think that I may have
18 taken up the Board's sitting time. I am unclear as to
19 what the positions of the parties were, but I assure
20 you it is not clear in my mind even now what Mr.
21 Freidin is saying that his client will do.

22 MADAM CHAIR: Are you satisfied with Mr.
23 Freidin's offer in terms of renewing the negotiations
24 with your client on the face of it, that in fact that
25 is an invitation by the proponent to do so?

1 MR. COLBORNE: Yes.

2 MADAM CHAIR: The next question is, has
3 in some way your client fallen behind in the
4 negotiating process?

5 The Board is not aware of what's happened
6 subsequently in terms of the parties getting together
7 for these discussion, if in fact there have been any
8 discussions, or given this proposed schedule would your
9 clients have time to engage in the discussions again
10 along this timetable in terms of receiving the
11 proponent's draft terms and conditions on June 15th and
12 then various other discussions leading to a
13 finalization of terms by August 3?

14 MR. COLBORNE: We are not prejudiced by
15 the proposed time schedule. Our only loss is that we
16 threw away time in attending at the time and place
17 where we thought the talks were going to occur.

18 If, as a result of this point having been
19 raised, there is another occasion when the talks about
20 the topic of concern to my clients takes place, then we
21 will be there when is it time to do it.

22 MADAM CHAIR: Is it your understanding
23 that during the negotiations all the parties sat around
24 the table at the same time? Are you asking for all
25 parties to be present when you negotiate with the

1 Ministry?

2 MR. COLBORNE: Well --

3 MADAM CHAIR: I don't know if in fact
4 that's how it was done.

5 MR. COLBORNE: I did not ever think that
6 there was a required way to do it, that the parties
7 would agree on what the appropriate way to do it would
8 be.

9 I'm just commenting that the object of
10 the negotiations according to the existing directive is
11 to reach agreement and, therefore, you can't have
12 merely bilateral talks and say that satisfies
13 everything because it can't possibly by definition
14 satisfy everything because there could never be
15 agreement of all parties unless they all get involved
16 somewhere along the line. That's why I don't accept
17 the suggestion, and that's what I thought that I had
18 received, that my client could talk to the Ministry of
19 Natural Resources separately, bilaterally and that
20 satisfies the requirement of the order.

21 I say, no, it can't possibly because
22 where could it ever occur that the other parties could
23 indicate agreement with what two parties have
24 discussed. It just wouldn't happen.

25 MADAM CHAIR: Have you discussed your

1 terms and conditions with the other parties?

2 MR. COLBORNE: No, that's what we showed
3 up ready to do.

4 MADAM CHAIR: In fact, you want a round
5 table discussion where the other parties are present?

6 MR. COLBORNE: But I'm not asking for a
7 direction as to how the negotiation should occur.
8 Perhaps I've said enough now to make it clear on the
9 record what I think is necessary and the parties can
10 sort out how they do it. I am not asking the Board to
11 interfere and tell the parties what to do with each
12 step. I don't think that was what you had in mind
13 initially when the --

14 MADAM CHAIR: Has your party given
15 consideration to the fact that a facilitator might
16 assist in some way the negotiations?

17 MR. COLBORNE: No formal consideration
18 has been given to that, no. I think we've had some
19 informal talks because earlier on and there was a
20 suggestion that that might be of assistance.

21 MADAM CHAIR: So you are content at this
22 point to accept Mr. Freidin's offer on behalf of the
23 proponent to start the negotiations again with your
24 client?

25 MR. COLBORNE: I take it at face value

1 that the proponent is prepared to negotiate the
2 proposed terms and conditions filed by my client in the
3 same manner as it has negotiated proposed terms and
4 conditions as filed by the other parties, and if that's
5 fair enough and if that's what he is saying here, then
6 I am quite satisfied.

7 MADAM CHAIR: All right. Thank you, Mr.
8 Colborne.

9 Ms. Seaborn?

10 MS. SEABORN: Thank you. I just would
11 like to make a couple of comments with respect to this
12 issue.

13 You will recall, Madam Chair, that on the
14 first hearing day after the negotiations when we were
15 in Toronto and we recommenced with the Industry case,
16 Mr. Campbell addressed the Board with respect to this
17 issue of filing final terms and conditions and this
18 issue was raised in the context of an upcoming April
19 3rd deadline that required all parties to file final
20 terms and conditions, and at that time the Board said
21 that that would not be necessary, this topic would be
22 again addressed some time after April 12th, 1990 and
23 that was the date at which MNR was going to get back to
24 all of the parties who participated in the negotiations
25 with some particular items of clarification.

1 The point that I wanted to raise again
2 was that one of the reasons why Mr. Campbell spoke on
3 behalf of the parties and asked for an indulgence with
4 respect to the April 3rd date, was that it was our
5 client's view that the negotiating process should
6 continue, and that is still our position, and given the
7 fact that a hearing is going on on a regular basis at
8 the same time, there was some concern about how quickly
9 all of the parties could once again get together as a
10 group to discuss the terms and conditions further.

11 One of the suggestions Mr. Campbell made
12 was that all of the parties could perhaps get together
13 during some of the weeks that have been set aside for
14 satellite hearings, and in the proposal put forward by
15 Ms. Murphy you will notice in one of the paragraphs
16 there is reference to perhaps having the parties get
17 together for a day or two at the end of June to have
18 further discussions with respect to the draft terms and
19 conditions.

20 So I think certainly from my client's
21 perspective we are quite prepared to sit down as a
22 large group again and address the issues that Mr.
23 Colborne wishes to address, and we see no difficulty in
24 making those arrangements.

25 In terms of the timing, we support Ms.

1 Murphy's proposal with respect to the dates for filing
2 next draft of terms and conditions. I think they are
3 reasonable time periods have been allocated and I think
4 we can all work towards meeting those time periods at
5 this point.

6 So we certainly do support her proposal.

7 MADAM CHAIR: Well, I think that the
8 proposed schedule is convenient for the parties, but it
9 doesn't seem to be really fulfilling the purpose of why
10 the Board asked for negotiations, and that was to give
11 the intervenors an opportunity to look at their cases,
12 carefully decide if they had to present a lot of
13 evidence in areas where agreement was already reached
14 in this process.

15 So the Board has to do some searching
16 through this proposal and more discussion of it. I
17 don't know if we want to bring the parties together for
18 more submissions or not, but we want to revisit the
19 original purpose of the negotiations.

20 MS. SEABORN: I understand the Board's
21 concern with respect to time and trying to save time
22 and that it was obviously one of the main purposes in
23 discussing terms and conditions.

24 I can also say that sometimes trying to
25 decide whether or not time has been saved is difficult

1 to judge. It may very well be that time has been saved
2 during the Industry's case thus far, based on how the
3 negotiations have gone, and that is very hard obviously
4 for the Board to judge, having not been a part of the
5 negotiations.

6 I think there are many of us feel that
7 time has been saved as a result of the two weeks that
8 we did spend discussing the various terms and
9 conditions. Certainly each party has a much better
10 awareness of the other party's position for the
11 remainder of the hearing.

12 I think the other practical problem
13 was -- or concern was raised by Mr. Cosman during the
14 earlier submissions, which was that if too early a
15 deadline was placed on parties to file final terms and
16 conditions that parties would be reluctant to change
17 their position from the terms and conditions that were
18 filed at the end of January, and I think that is a
19 practical problem as well.

20 It isn't in our view of much use to the
21 Board if people file the same document again, and that
22 is why we support these time periods because we think
23 they are reasonable for people to perhaps move from
24 their January 30th draft terms and conditions.

25 MADAM CHAIR: Maybe the negotiations are

1 useful for a purpose other than the Board had
2 contemplated.

3 MS. SEABORN: That may be so.

4 MADAM CHAIR: I don't know at this point.

5 MS. SEABORN: That could well be so.

6 MR. CASSIDY: Madam Chair, I might be
7 able to -- I am not going to take a long time because I
8 agree with what Ms. Seaborn has said, but I can
9 indicate to you that the negotiations -- I can echo the
10 comments that Mr. Campbell and Mr. Cosman made at the
11 previous discussions on that, that the negotiations are
12 serving purposes that I think all parties are finding
13 beneficial.

14 I would -- just for your reference the
15 paragraph that Ms. Seaborn has referred to in Ms.
16 Murphy's letter is paragraph 2 of her letter dated
17 April 19th where she proposes a one or two-day meeting
18 in Toronto once the next draft of the MNR terms and
19 conditions is filed, and I would support that meeting
20 occurring and it may be possible to -- in fact I would
21 envisage that it's possible to perhaps accommodate some
22 of the concerns that Mr. Colborne has about having the
23 other parties involved in negotiations where there may
24 be or may not be discussion of his terms and
25 conditions.

1 I know that I would look forward to
2 having my clients participate in that discussion if it
3 came up in respect of his terms and conditions at those
4 meetings. It's hard to anticipate what would happen at
5 those, but I think that is a possible forum.

6 I would also indicate - and my other
7 comment is in respect of what Ms. Seaborn said about
8 the filing of the terms and conditions and the dates -
9 I have had the opportunity to review the letter dated
10 May 1st, 1990 from Ms. Kleer in respect of this
11 proposal and the letter dated May 1st, 1990 from Ms.
12 Swenarchuk, both of which say essentially the same
13 point, that they have no objection to the September
14 28th deadline. My clients have no objection to that at
15 all as well and I would support Ms. Murphy's proposed
16 date.

17 We also agree however with the comments
18 that Ms. Swenarchuk and Ms. Kleer make that there be
19 provision for the filing of final revised terms and
20 conditions, subject to the appropriate relief being
21 sought down the road by the parties, and I think that
22 provision would facilitate the concern that Mr. Cosman
23 had that parties should be free to continue the
24 negotiation process right up to the time at which the
25 final terms and conditions are provided by essentially

1 argument stage.

2 A lot goes on in discussion between the
3 parties and I would hope that that process can continue
4 up to that time. So we are in support of Ms. Murphy's
5 dates.

6 MADAM CHAIR: Thank you, Mr. Cassidy.
7 Ms. Murphy?

8 MS. MURPHY: Yes, thank you. I really
9 didn't have much to add. I set out the position in the
10 letter.

11 I would just like to advise that I did
12 understand that one of the things the Board was
13 interested in doing was having positions of the parties
14 clarified in order to assist and perhaps streamlining
15 further cases and further evidence.

16 There are of course all of these other
17 concerns, ensuring that people have an opportunity to
18 be involved, ensuring that people have an opportunity
19 to look at our draft and so forth. So it was bearing
20 in mind the various objectives that I suggested having
21 the final draft of the Ministry's terms and conditions
22 formally filed and out to people before the next phase
23 of the hearing; that is, the satellite hearings, so
24 that that stage would be complete and the Board and the
25 other parties would have that in hand before the next

1 stage of the hearing, and that all of the other draft
2 terms and conditions would be completed and refiled
3 before the commencement of the Forests for Tomorrow's
4 case, which again would be of assistance to the Board
5 and all of the parties with respect to the issue that
6 you just brought up.

7 So the concern was in my mind when I made
8 the proposal and it was that way I was attempting to
9 accommodate it.

10 MADAM CHAIR: All right, thank you.

11 Are there any other submissions to make?

12 (no response)

13 All right, fine. Mr. Martel and I will
14 be discussing the proposal by the Ministry of Natural
15 Resources over the next few days and we will discuss it
16 at the hearing next week in Toronto.

17 MS. MURPHY: I would appreciate, however,
18 when you look at it that you consider it essentially a
19 joint proposal on behalf of all the parties because it
20 has been agreed to by all the parties that were
21 provided the information.

22 I understand Mr. Colborne is saying that
23 he agrees with the dates as well, so it's essentially a
24 joint proposal from all of the parties.

25 MADAM CHAIR: There is no party objecting

1 to the proposed schedule?

2 MS. MURPHY: No, there isn't.

3 MADAM CHAIR: All right, thank you.

4 MS. SEABORN: If I might just address the
5 Board on an issue that was raised yesterday.

6 Madam Chair, you had asked if I would
7 look into the effect of regulation 145/90 and I have
8 made some inquiries through my client, and what I would
9 like to do is have a discussion with MNR - perhaps we
10 can curtail any discussion on this matter - and address
11 it next week when we discuss procedural matters. I
12 don't have the full information yet and I don't want to
13 give you half an answer tonight.

14 MADAM CHAIR: Thank you, Ms. Seaborn.

15 MS. SEABORN: Thank you.

16 MR. CASSIDY: Is there a time being set
17 for the Board procedural discussion next week? I am
18 not aware of any.

19 MADAM CHAIR: Five o'clock every night.

20 MR. CASSIDY: That seems to have a rather
21 solemn effect on these things.

22 MADAM CHAIR: It does seem to be speeding
23 things up; doesn't it, Mr. Cassidy.

24 MR. CASSIDY: I mean, I don't recall any
25 particular date being set next week for procedural

1 discussion.

2 MADAM CHAIR: No, we haven't set a date.
3 I think Mr. Martel and I want to go over the proposal
4 carefully and announce on Monday. There may be no need
5 for--

6 MR. CASSIDY: Okay.

7 MADAM CHAIR: --more discussion.

8 MR. CASSIDY: I seem to be charged with
9 the responsibility for attending these five o'clock
10 dates, so I am always curious as to when they arrive.

11 Thank you.

12 MS. SEABORN: With respect to the
13 function this evening, Ms. Devaul has left some maps in
14 the hearing room for anyone who requires direction, and
15 I would have thought Mr. Colborne may be somewhat
16 relieved that we are going somewhere other than his
17 cottage.

18 MADAM CHAIR: Well, we have enjoyed Mr.
19 Colborne's hospitality during our Thunder Bay stint.

20 Thank you.

21 MR. CASSIDY: I would like to echo, Madam
22 Chair's comments on that.

23 MS. SEABORN: Yes.

24 MR. FREIDIN: Yes.

25 MADAM CHAIR: All right.

1 We will adjourn until 8:30 Tuesday
2 morning in Toronto at the Board's office, or tomorrow
3 morning - last week - eight o'clock tomorrow morning
4 here.

5 MR. CASSIDY: Thank you.

6 ---Whereupon the hearing adjourned at 5:45 p.m., to be
7 reconvened on Thursday, May 3rd, 1990, commencing at
8 8:00 a.m.

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